

Regular Meeting

May 22, 2006  
12:30 p.m.

A regular meeting of the Municipal Civil Service Commission convened on Monday, May 22, 2006, at 1:04 p.m. with Priscilla Tyson, Grady Pettigrew, and Eileen Paley in attendance.

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*RE: Review and approval of the minutes from the April 24, 2006, regular meeting.*

A motion to approve the minutes was made, seconded, and passed unanimously.

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*RE: Review of the results of the pre-hearing conference for the following appeal:  
a) Linda Spears vs. Columbus Public Schools, Appeal No. 05-BA-0024. Secretary I – 10 Day Suspension – hearing scheduled for August 14, 2006.*

PRESENT: Brenda Sobieck, Personnel Administrative Officer

Linda Spears – Ms. Sobieck noted that the pre-hearing conference was conducted earlier via telephone by Deputy Director Carter; Deputy Director Carter was not able to attend today's meeting, so Ms. Sobieck is giving the report. Ms. Spears received a 10 day suspension for misfeasance, malfeasance, and nonfeasance. The hearing will not take more than one half day and a total of five witnesses will be called by both parties for the hearing.

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*RE: Rule Revisions.*

No rule revisions were submitted this month.

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*RE: Request of appellant Darryl K. Sherrill to withdraw the two appeals he filed with the Civil Service Commission on July 6, 2005 and January 24, 2006 regarding two separate 5-day suspensions from the position of Custodian II with the Columbus Public Schools – Appeal Nos. 05-BA-0014 and 06-BA-0003.*

Commissioner Paley moved to accept Mr. Sherrill's request to withdraw his two appeals No. 05-BA-0014 and 06-BA-0003. Commissioner Pettigrew seconded the motion and it was approved.

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*RE: Request of the Columbus Public Schools to approve an update to the Same and Similar List last updated in April 2004.*

PRESENT: Barbara McGrath, Executive Director

Executive Director McGrath presented this request as there was no one present from Columbus Public Schools to do so. The Columbus Public Schools requests an update to the Same and Similar List which was last approved in April of 2004. The request is for an addition to the same and similar listing for the classifications of Food Service Secondary Program Supervisor and Food Service Helper.

A review of the requirements for the classification of Food Service Secondary Program Supervisor, and the requirements for the Registration with the American Dietetic Association together with consultation with the Executive Secretary of the Ohio Board of

Dietetics has been undertaken. The review was initiated at the request of the incumbent in this classification.

The classification of Food Service Satellite Program Supervisor was created on August 31, 1998. The classification of Food Service Secondary Program Supervisor was created on October 25, 1999. When the Food Service Satellite Program Supervisor was created a bachelor's degree was included in the requirements in addition to the three years experience and the registration with the Commission on Dietetic registration of the American Dietetic Association (ADA). Subsequent to that date, when the Food Service Secondary Program Supervisor was created, the bachelor's degree requirement was not included since it was already a prerequisite for obtaining the ADA certification.

In 2004 when the comparison between the two classes was made, the fact that in order to possess the registration one must have a bachelor's degree was not taken into consideration and the Food Service Satellite Program Supervisor was not included on the list as same and similar to the Food Service Secondary Program Supervisor. It is requested that the Commission approve the addition of Food Service Satellite Program Supervisor to the Same and Similar list for Food Service Secondary Program Supervisor.

With the upgrading of the requirements for the classification of Food Service Helper at the Commission's April 24, 2006 meeting, it is requested that the classification of Food Service Satellite Worker be added to the Same and Similar List for the class of Food Service Helper. Both classes now have a twelfth grade minimum requirement.

A motion was made to approve the request with the noted correction; it was seconded, and passed unanimously.

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*RE: Trial Board Recommendations.*

No trial board recommendations were submitted this month.

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*RE: Request of the Civil Service Commission staff to approve the specification review for the classification Employee Assistance Counselor with no revisions (Class Code 1765).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to approve the specification review for Employee Assistance Counselor with no revisions as part of the Civil Service Commission's effort to review all classifications every five years. Employee Assistance Counselor was last reviewed in November 2001. There are currently three employees serving in this classification.

After reviewing the specification and questionnaires completed by the incumbents, with supervisory review, it was decided that this current specification adequately describes the work as it currently exists. It was, therefore, recommended that the review of the specification for the classification Employee Assistance Counselor be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to approve the specification review for the classification Employee Assistance Program Manager with no revisions (Class Code 1764).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to approve the specification review for Employee Assistance Program manager with no revisions as part of the Civil Service Commission's effort to review all classifications every five years. Employee Assistance Program Manager was last reviewed in November 2001. There is currently one employee serving in this classification.

After reviewing the specification and questionnaire completed by the incumbent, with supervisory review, it was decided that this current specification adequately describes the work as it currently exists. It was, therefore, recommended that the review of the specification for the classification Employee Assistance Program Manager be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to approve the specification review for the classification Micrographics Machine Operator with no revisions (Class Code 0614).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to approve the specification review for Micrographics Machine Operator with no revisions as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in November 2001. There are currently two employees serving in this classification.

After reviewing the specification and questionnaires completed by the incumbents, with supervisory review, it was decided that the current specification adequately describes the work as it currently exists. It was, therefore, recommended that the review of the specification for the classification Micrographics Machine Operator be approved with no revisions.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to approve the specification review for the classification City Treasurer (U) with no revisions (Class Code 0157).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to approve the specification review for Deputy City Treasurer (U) with no revisions as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in February 2001 and there is currently one employee serving in this classification.

As part of the class review, the City Treasurer's Office was contacted to discuss potential changes to the specification. Based on this feedback, no changes were recommended to the class specification at this time.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to approve the specification review for the classification Deputy City Treasurer (U) with no revisions (Class Code 0158).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to approve the specification review for Deputy City Treasurer (U) with no revisions as part of the Civil Service Commission's effort to review all classifications every five years. This classification was last reviewed in February 2001 and there is currently one employee serving in this classification.

As part of the class review, the City Treasurer's Office was contacted to discuss potential changes to the specification. Based on this feedback, no changes were recommended to the class specification at this time.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Grants Management Coordinator (Class Code 0752).*

This item was deferred.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Debt Management Coordinator (Class Code 0755).*

This item was deferred.

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*RE: Request of the Civil Service Commission staff to revise the specification for the classification Electronic System Technician (Class Code 3668).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request as part of the Commission's effort to review all classifications every five years. Electronic System Technician was last reviewed in August 2000. There are currently thirty-one employees serving in this classification, located in Transportation, Sewerage and Drainage, and Power and Water.

No revisions to the definition were recommended. Five examples of work were added and seven examples of work were deleted; these revisions were recommended to replace some of the more generic examples with examples of duties more specific to the different divisions in order to give the reader a glimpse of how the classification varies from division to division. No revisions to the minimum qualifications, knowledge, skills, and abilities, examination type, or probationary period were recommended.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to abolish the specification for the classification Electricity Division Administrator and amend Rule XI accordingly (Class Code 0160).*

PRESENT: Richard Cherry, Personnel Analyst II

Richard Cherry presented this request to abolish the specification for the classification Electricity Division Administrator. The Communications Systems classification series was created in January 2006 in order to differentiate the electronic system work performed in Public Safety from other similar work performed throughout the

City due to the particular equipment serviced by personnel in the Department of Public Safety. After continued discussions, it was agreed that the existing Electronic System Technician classification (Class Code 3668) was sufficient to cover the work of the technicians in both series. As such, it was requested that the specification for the classification Communication Systems Technician be abolished.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Request of the Civil Service Commission staff to abolish the specification for the classification Communication Systems Technician and amend Rule XI accordingly (Class Code 3674).*

Richard Cherry presented this request to abolish the specification for the Classification Communication Systems Technician. The Communications Systems classification series was created in January 2006 in order to differentiate the electronic system work performed in Public Safety from other similar work performed throughout the City due to the particular equipment serviced by personnel in the Department of Public Safety. After continued discussions, it was agreed that the existing Electronic System Technician classification (Class Code 3668) was sufficient to cover the work of the technicians in both series. As such, it was requested that the specification for the classification Communication Systems Technician be abolished.

A motion to approve the request was made, seconded, and passed unanimously.

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*RE: Personnel Actions.*

No personnel actions were submitted this month.

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*RE: Residency Hearing Reviews.*

No residency hearing reviews were submitted this month.

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*RE: Administrative/Jurisdictional Reviews.*

*Review of the appeal of Tonya Osborne regarding her 15-day suspension from the position of Bus Driver with the Columbus Public Schools.*

The Commissioners reviewed the appeal Ms. Osborne filed on February 13, 2006, which was based on her belief that the 15 day disciplinary suspension she received from the Columbus Public Schools was "too harsh."

Ohio Revised Code Section 124.34 states in its pertinent part,

In case of a reduction, suspension of more than three working days...the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action. The order shall be filed with the director of administrative services and state personnel board of review, or the commission, as may be appropriate.

Within ten days following the date on which the order is served...the employee, except as otherwise provided in this section,

may file an appeal of the order in writing with the state personnel board of review or the commission.

Ms. Osborne attended a disciplinary conference on April 29, 2005, and was found guilty of neglect of duty and malfeasance. As a result, she was suspended without pay. The Personnel Action form indicates that she was suspended for "5 days (11/14 – 11/18); 5 days (12/12 – 12/16); 5 days (1/23 – 1/27/06)." The form goes on to state "you are hereby suspended without pay from your position 11/14/2005 through 11/18/2005." Ms. Osborne acknowledged receipt of the Personnel Action form on November 4, 2005, and even though the Personnel Action form has conflicting information regarding whether her suspension was for five or fifteen days, she still failed to appeal the decision in a timely manner. Based on the date she acknowledged receipt of the Personnel Action form, her appeal should have been filed by November 14, 2005. Even if her appeal was not due until the last date of the suspension, it would have been due on February 6, 2006. Ms. Osborne filed her appeal on February 13, 2006.

Based on the foregoing, the Commission has no jurisdiction to hear the appeal and dismissed it without a hearing.

*Review of the appeal of Jeff Brown regarding his involuntary resignation from the position of Audio/Visual Processor with the Columbus Public Schools.*

The Commissioners reviewed the appeal Mr. Brown filed on March 24, 2006 regarding his involuntary resignation from the Columbus Public Schools.

In his appeal, Mr. Brown stated that he was forced to resign from his Audio/Visual Processor position. He stated he submitted a resignation effective March 10, 2006, and attempted to withdraw his resignation on March 9, 2006. The Columbus Public Schools denied this request to withdraw his resignation. He also filed a grievance on March 22, 2006 that was denied.

A review of Mr. Brown's personnel documents shows that he submitted his letter of resignation on February 24, 2006 to be effective two weeks from that date. The School Board meeting minutes show that his resignation was approved by the Board on March 7, 2006. For this reason, Columbus Public Schools denied his request to withdraw the resignation.

The Ohio Revised Code gives the Civil Service Commission authority to hear appeals on suspensions of more than three days and discharges. Since Mr. Brown was not terminated, but submitted a resignation, the Commission determined it does not have jurisdiction over this matter.

Based on the foregoing, the Civil Service Commission decided to dismiss Mr. Brown's appeal without a hearing because it lacks jurisdiction over the appeal.

*Review of the appeal of Jeffrey Elder regarding his discharge from the position of Student Safety Resource Officer with the Columbus Public Schools.*

The Commissioners reviewed the appeal Mr. Elder filed at the Commission office on March 29, 2006, regarding his termination from the position of Student Safety Resource Coordinator with the Columbus Public Schools.

Records provided by Columbus Public Schools indicate that Mr. Elder signed the Personnel Action form on March 13, 2006. Since his appeal was received on March 29, 2006, he did not meet the ten-day deadline filing requirement.

In addition, also according to documentation provided by Columbus Public Schools, Mr. Elder was still on probation at the time of his discharge. The removal of a probationary employee is not subject to appeal according to Ohio Revised Code Section 124.34. For this reason, and because his appeal was filed too late, the Commission does not have authority to hear the appeal.

Based on the foregoing, the Commission decided to dismiss Mr. Elder's appeal without a hearing because it lacks jurisdiction over the appeal.

*Review of the appeal of Jeffrey F. Roose regarding the rejection of his application for the Police Property Clerk examination.*

The Commissioners reviewed the appeal Mr. Roose filed on April 17, 2006 regarding the rejection of his application for the Police Property Clerk examination.

In his appeal, Mr. Roose stated that there was no mention of the requirement of six months experience in materials handling. He indicated he would have typed in his experience at Donato's Pizza and John Deere Warehouse related to this requirement.

The online application lists the minimum qualification for each job class open for filing. In fact, applicants are asked to check "yes" or "no" when asked if they meet the specific experience or educational requirements. A review of the online application for Police Property Clerk verified that this information was included. After the applicant personal data section, the minimum qualifications section appears about two-thirds of the way down the page. It states, "You must possess the following minimum qualifications to be scheduled to take this exam: Six (6) months experience in materials handling which includes stocking shelves or sorting items into categories." Next, applicants are asked if they meet the requirements, and then asked to list the relevant jobs that allow them to meet the minimum qualifications. The experience requirement was also listed in the exam announcement posted on our website.

Although Mr. Roose may have other experience that would meet the minimum qualifications, he did not provide this information on his application. Based upon the foregoing, the Civil Service Commission upheld the rejection of Mr. Roose's application for Police Property Clerk and decided to dismiss the appeal without a hearing.

*Review of the appeal of Melinda Kensler regarding the rejection of her application for the Police Property Clerk examination.*

The Commissioners reviewed the appeal Ms. Kensler filed on April 21, 2006 regarding the rejection of her application for the Police Property Clerk examination.

In her appeal, Ms. Kensler stated that she did not list additional experience she has as a Merchandise Processor for Victoria's Secret. The application instructs applicants to list work titles that show the minimum qualifications for the job are met. Ms. Kensler only listed her City of Columbus position as a Data Entry Operator and her part-time Package Handler position at UPS. Since she did not list any other jobs, she did not demonstrate that she met the minimum requirement of six months of full-time experience in materials handling. Information on other relevant experience, such as Victoria's Secret, should have been included on her application when it was submitted.

Based upon the foregoing, the Civil Service Commission upheld the rejection of Ms. Kensler's application for Police Property Clerk and decided to dismiss her appeal without a hearing.

*Review of the appeal of Helen Ballou regarding the denial of her request to add three additional positions to her application for the Group Clerical Examination.*

The Commissioners reviewed the appeal Ms. Ballou filed on May 2, 2006 regarding the denial of her request to take three additional clerical examinations.

In her appeal, Ms. Ballou stated that she was not aware that she could apply for a job that has a lower salary. She also stated that there is an opening in the Crime Lab for an Office Assistant I and she is working on her degree to eventually work as a Criminalist.

Unfortunately, Commission policy does not allow applicants to change their application by adding other job titles once it has been submitted. The Commission can not approve her request to take exams for which she did not apply.

Based upon the foregoing, the Civil Service Commission decided to dismiss Ms. Ballou’s appeal without a hearing.

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Applicants Removed Post-Exam		
Name of Applicant	Position applied for	BAR #
Steven D. Harris	Police Officer	06-BR-012
Richard Schnarr	Police Officer	06-BR-024
Elizabeth McNay	Police Officer	06-BR-025
Darrin Townsend	Police Officer	06-BR-026
Matthew McGregor	Police Officer	06-BR-027
Andre Montgomery	Police Officer	06-BR-029
David Freeman	Police Officer	06-BR-030
Jason Ebright	Police Officer	06-BR-031
Shane J. Howard	Police Officer	06-BR-032
Skot Shockey	Police Officer	06-BR-033
Jon Murdock	Police Officer	06-BR-034
Marlon Walker	Police Officer	06-BR-035

The Commissioners reviewed the files of Elizabeth McNay, Darrin Townsend, Andre Montgomery, David Freeman, Jason Ebright, Skot Shockey, Jon Murdock, and Marlon Walker and decided their names would be reinstated to the police officer eligible list.

After reviewing the files of Steven D. Harris, Richard Schnarr, Matthew McGregor, and Shane J. Howard, the Commissioners decided their names would not be reinstated to the police officer eligible list.

Firefighter Applicants Removed During the Prescreening Process
Ashanti Barbee
Dustin Barnes
Robert Brulinski
Thaddeus Burton
Azikiwe Bush
Jemar Bush
Ricky Caslin, Jr.
Loren Coleman
Russell Cunningham
Victor Dulaney
Trey Duplessie
Jerry Estep
James Garret IV
Sharena Graves
Nathan Hargus
Troy Heuser
Robert Hodge
Sean Hughes
Bryan Hunicutt, Jr.
Kurt E. Keaton



Len Lightfoot
Gerald Logan
Jacob Maynard
Ryan McCoy
Sean Mosley
Vincent Reid II
Tim Rose
Stanton Russell
Michael Schmidt
Brian Young Smith
Shane A. Stewart
Stephen Stover
Jeremy Vance
John Warner
Shawn Watkins
David Wolf
Jon Young

The Commissioners reviewed the files of thirty-seven firefighter applicants for an administrative review of the decision of the Executive Director to reject their applications due to a violation of the background standards for firefighters during the pre-screening process.

After reviewing the files of Ashanti Barbee, Dustin Barnes, Ricky Caslin, Jr., Russell Cunningham, Jerry Estep, Robert Hodge, Len Lightfoot, Ryan McCoy, Sean Mosley, Michael Schmidt, Brian Young Smith, Jeremy Vance, John Warner, and David Wolf, the Commissioners decided that their applications would not be accepted and they would not be permitted to take the firefighter examination.

After reviewing the files of Robert Brulinski, Azikiwe Bush, Jemar Bush, Victor Dulaney, Trey Duplessie, James Garret IV, Sharena Graves, Nathan Hargus, Troy Heuser, Bryan Hunicutt, Jr., Kurt E. Keaton, Gerald Logan, Jacob Maynard, Vincent Reid II, Tim Rose, Stanton Russell, Shane Stewart, Stephen Stover, Shawn Watkins, and Jon Young, the Commissions decided their applications would be accepted and they would be permitted to take the firefighter examination.

After reviewing the files of Thaddeus Burton, Loren Coleman, and Sean Hughes, the Commissioners decided to defer a decision on their requests to be reinstated to the firefighter examination process.

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The Commissioners adjourned their regular meeting at 1:17 p.m.

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Priscilla R. Tyson, Commission President

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June 26, 2006  
Date